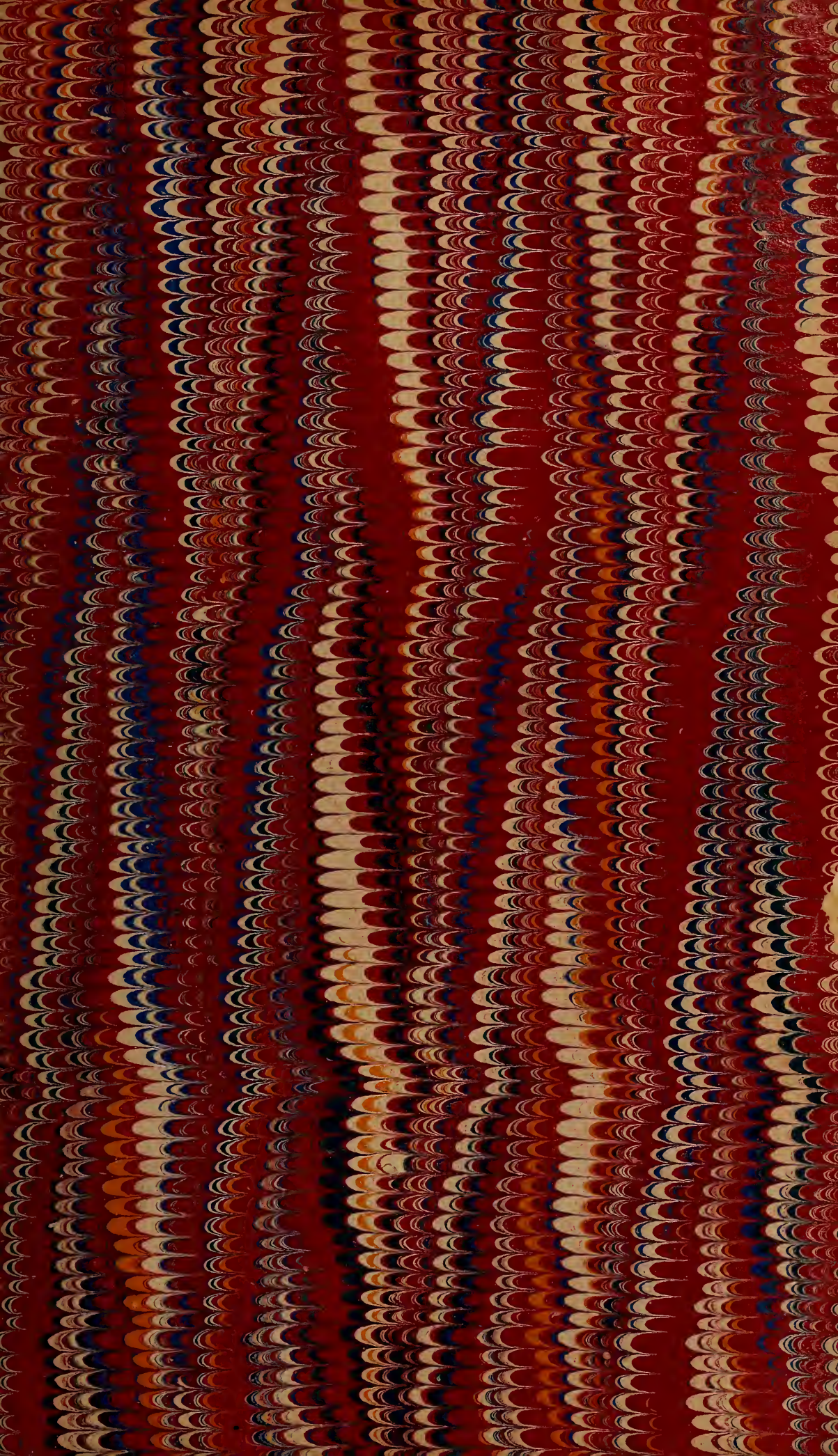


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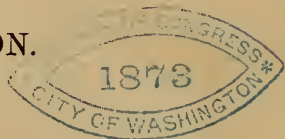






ACTS OF INCORPORATION
AND
BY-LAWS
OF THE
PROPRIETORS
OF THE
CEMETERY OF MOUNT AUBURN.

OFFICE,
16 PEMBERTON SQUARE, BOSTON.



BOSTON: 4
PRESS OF RAND, AVERY, & CO., 3 CORNHILL.
1872.

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BOARD OF TRUSTEES FOR 1872.

JACOB BIGELOW, JAMES L. LITTLE,	}	TERM EXPIRES IN 1873.
ISAAC LIVERMORE, SAMUEL T. SNOW,	}	TERM EXPIRES IN 1874.
THOMAS M. BREWER, WILLIAM PERKINS,	}	TERM EXPIRES IN 1875.
NATHANIEL J. BRADLEE, ALFRED T. TURNER,	}	TERM EXPIRES IN 1876.
JOHN T. BRADLEE, HENRY W. PICKERING,	}	TERM EXPIRES IN 1877.
EDWARD LAWRENCE, CHARLES F. CHOATE,	}	TERM EXPIRES IN 1878.

ORGANIZATION OF THE BOARD OF TRUSTEES

FOR THE YEAR 1872.

JOHN T. BRADLEE, PRESIDENT.

Committee on Grounds.

JOHN T. BRADLEE. JACOB BIGELOW.
ISAAC LIVERMORE. EDWARD LAWRENCE.
HENRY W. PICKERING.

Committee on Lots.

SAMUEL T. SNOW. WILLIAM PERKINS.
NATHANIEL J. BRADLEE.

Committee on Interments.

THOMAS M. BREWER. CHARLES F. CHOATE.

Committee on Finance.

ALFRED T. TURNER. JAMES L. LITTLE.

SAMUEL BATCHELDER, JUN., SECRETARY.

H. B. MACKINTOSH, TREASURER.

Office of the Corporation.

16 PEMBERTON SQUARE, BOSTON.

C. W. FOLSOM, SUPERINTENDENT.

AT THE CEMETERY.

TRUSTEES FROM 1831.

* JOSEPH STORY	from 1831 to 1845; d. Sept. 10, 1845.
† JACOB BIGELOW	" 1831.
GEORGE BOND	" 1831 " 1842; d. May 25, 1842.
BENJAMIN A. GOULD	" 1831 " 1859; d. Oct. 24, 1859.
H. A. S. DEARBORN	" 1831 " 1833; d. July 29, 1851.
GEORGE W. BRIMMER	" 1831 " 1832; d. Sept. 12, 1838.
CHARLES WELLS	" 1831 " 1832; d. June 4, 1866.
ZEBEDEE COOK, JUN.	" 1832 " 1833; d. Jan. 24, 1858.
EDWARD EVERETT	" 1831 " 1832; d. Jan. 15, 1865.
GEORGE W. PRATT	" 1831 " 1832.
JOSEPH P. BRADLEE	" 1833 " 1837; d. Feb. 19, 1838.
CHARLES BROWNE	" 1833 " 1837; d. July 21, 1856.
CHARLES P. CURTIS	" 1833 " 1864; d. Oct. 4, 1864.
SAMUEL APPLETON	" 1834 " 1837; d. July 12, 1853.
ELIJAH VOSE	" 1834 " 1835; d. Sept. 12, 1856.
JAMES READ	" 1835 " 1867; d. Dec. 24, 1870.
BENJAMIN R. CURTIS	" 1837 " 1851.
MARTIN BRIMMER	" 1838 " 1847; d. April 25, 1847.
ISAAC PARKER	" 1838 " 1854; d. May 27, 1858.
SAMUEL T. ARMSTRONG	" 1839 " 1840; d. March 26, 1850.
GEORGE W. CROCKETT	" 1843 " 1855; d. Aug. 14, 1859.
JOHN C. GRAY	" 1845 " 1849.
JOHN J. DIXWELL	" 1847 " 1851.
MACE TISDALE, from 1850 to 1853, and	" 1855 " 1858; d. Nov. 20, 1861.
GEORGE H. KUHN	" 1852 " 1855.
CHARLES C. LITTLE	" 1852 " 1867; d. Aug. 9, 1869.
ISAIAH BANGS	" 1854 " 1859; d. March 22, 1859.
JAMES CHEEVER	" 1856 " 1870.
URIEL CROCKER	" 1856 " 1865.
WILLIAM R. LAWRENCE	" 1856 " 1860.
HENRY S. McKEAN	" 1856 " 1857; d. May 17, 1857.
CHARLES G. NAZRO	" 1856 " 1865.

* The persons whose names occur under the head of "Trustees" before the year 1835, constituted, until that year, "the Garden and Cemetery Committee" of the Massachusetts Horticultural Society.

† Dr. Bigelow is still a member of the Board.

TRUSTEES.

7

WILLIAM T. ANDREWS	from 1859 to 1863.
JACOB SLEEPER	" 1859 " 1870.
EDWARD S. TOBEY	" 1859 " 1863.
EDWARD AUSTIN	" 1860 " 1870.
EDWARD S. RAND	" 1860 " 1871.
GEORGE LIVERMORE	" 1864 " 1865; d. Aug. 30, 1865.
OTIS NORCROSS	" 1864 " 1870.
J. INGERSOLL BOWDITCH	" 1865 " 1870.
PAUL ADAMS	" 1865 " 1870.
LOYAL LOVEJOY	" 1865 " 1870.
ISAAC LIVERMORE	" 1866.
JOHN T. BRADLEE	" 1870.
NATHANIEL J. BRADLEE	" 1870.
ALFRED T. TURNER	" 1870.
THOMAS M. BREWER	" 1870.
EDWARD LAWRENCE	" 1871.
CHARLES F. CHOATE	" 1871.
WILLIAM PERKINS	" 1871.
SAMUEL T. SNOW	" 1871.
JAMES L. LITTLE	" 1871.
HENRY W. PICKERING	" 1872.

PRESIDENTS.

JOSEPH STORY	from 1835 to 1845; d. Sept. 10, 1845.
JACOB BIGELOW	" 1845 " 1871.
JOHN T. BRADLEE	" 1871.

LAWS OF THE COMMONWEALTH.

Private and Special Statutes of Massachusetts.

1831, CHAPTER 69.

AN ACT

IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE
THE MASSACHUSETTS HORTICULTURAL SOCIETY."

Approved June 23, 1831.

SECTION 1. — Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Massachusetts Horticultural Society be, and hereby are, authorized, in addition to the powers already conferred on them, to dedicate and appropriate any part of the real estate now owned, or hereafter to be purchased, by them, as and for a rural cemetery or burying-ground, and for the erection of tombs, cenotaphs, or other monuments for or in memory of the dead ; and for this purpose to lay out the same in suitable lots or other subdivisions for family and other burying-places, and to plant and embellish the same with shrubbery, flowers, trees, walks, and other rural ornaments, and to enclose and divide the same with proper walls and enclosures, and to make and annex thereto other suitable appendages and conveniences as the Society shall from time to time deem expedient. And whenever the said Society shall so lay out and appropriate any of their real estate for a cemetery or burying-ground, as aforesaid, the same shall be deemed a perpetual dedication thereof for the purposes aforesaid ; and the real estate so dedicated shall be forever held by the said Society, in trust, for such purposes, and for none other. And the said Society shall have authority to grant and convey to any person or persons the sole and exclusive right of burial, and of erecting tombs, cenotaphs, and other monuments, in any such designated lots and subdivisions, upon such

terms and conditions, and subject to such regulations, as the said Society shall by their By-Laws and Regulations prescribe. And every right so granted and conveyed shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution.

SECT. 2. — Be it further enacted, That, for the purposes of this Act, the said Society shall be, and hereby are, authorized to purchase and hold any real estate, not exceeding ten thousand dollars in value, in addition to the real estate which they are now by law authorized to purchase and hold. And to enable the said Society more effectually to carry the plan aforesaid into effect, and to provide funds for the same, the said Society shall be, and hereby are, authorized to open subscription-books, upon such terms, conditions, and regulations as the said Society shall prescribe, which shall be deemed fundamental and perpetual articles between the said Society and the subscribers. And every person who shall become a subscriber in conformity thereto shall be deemed a member for life of the said Society without the payment of any other assessment whatsoever ; and shall, moreover, be entitled, in fee simple, to the sole and exclusive right of using as a place of burial, and of erecting tombs, cenotaphs, and other monuments, in such lot or subdivision of such cemetery or burying-ground as shall, in conformity to such fundamental articles, be assigned to him.

SECT. 3. — Be it further enacted, That the President of the said Society shall have authority to call any special meeting or meetings of the said Society, at such time and place as he shall direct, for the purpose of carrying into effect any or all the purposes of this Act, or any other purposes within the purview of the original Act to which this Act is in addition.

ANOTHER ACT IN ADDITION TO AN "ACT TO INCORPORATE
THE MASSACHUSETTS HORTICULTURAL SOCIETY."

Chap. 98 of Private and Special Statutes of the Year 1834 contains some provisions which need not be recited here, as they are substantially the same that are found in the "Act to incorporate the Proprietors of the Cemetery of Mount Auburn ;" Sects. 1, 2, and 3 of the former corresponding respectively with Sects. 7, 3, and 8 and 9 of the latter.

Laws of the Commonwealth of Massachusetts.

1835, CHAPTER 96.

AN ACT

TO INCORPORATE THE PROPRIETORS OF THE CEMETERY OF
MOUNT AUBURN.*Approved March 31, 1835.*

SECTION 1. — Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Story, John Davis, Jacob Bigelow, Isaac Parker, George Bond, and Charles P. Curtis, together with such other persons as are proprietors of lots in the cemetery at Mount Auburn, in the towns of Cambridge and Watertown, in the county of Middlesex, and who shall in writing signify their assent to this Act, their successors, and assigns, be, and they hereby are, created a corporation, by the name of the Proprietors of the Cemetery of Mount Auburn; and they shall have all the powers and privileges contained in the statute of the year one thousand eight hundred and thirty-three, chapter eighty-three.

SECT. 2. — Be it further enacted, That the said Corporation may take and hold in fee simple the garden and cemetery at Mount Auburn, now held by the Massachusetts Horticultural Society, and any other lands adjacent thereto, not exceeding fifty acres in addition to said garden and cemetery, upon the same trusts and for the same purposes, and with the same powers and privileges, as the said Massachusetts Horticultural Society now hold the same by virtue of the statute of the year one thousand eight hundred and thirty-one, chapter sixty-nine; and may also take and hold any personal estate, not exceeding in value fifty thousand dollars, to be applied to purposes connected with and appropriate to the objects of said establishment.

SECT. 3. — Be it further enacted, That all persons who shall hereafter become proprietors of lots in said cemetery, of a size not less, each, than three hundred square feet, shall thereby become members of the said Corporation,

SECT. 4. — Be it further enacted, That the officers of the said Corporation shall consist of not less than seven, nor more than twelve Trustees, a Treasurer, Secretary, and such other officers as they may direct. The Trustees shall be elected annually, at the Annual Meeting, and shall hold their offices until others are chosen; and they shall choose one of their number to be President, who shall be also President of the Corporation; and they shall also choose the Secretary and Treasurer, either from their own body, or at large. And the said Trustees shall have the general management, superintendence, and care of the property, expenditures, business, and prudential concerns of the Corporation, and of the sales of lots in the said Cemetery; and they shall make a report of their doings to the Corporation at their Annual Meeting. The Treasurer shall give bonds for the faithful discharge of the duties of his office, and shall have the superintendence and management of the fiscal concerns of the Corporation, subject to the revision and control of the Trustees, to whom he shall make an annual report, which shall be laid before the Corporation at their Annual Meeting. And the Secretary shall be under oath for the faithful performance of the duties of his office, and shall record the doings at all meetings of the Corporation and of the Trustees.

SECT. 5. — Be it further enacted, That the Annual Meetings of said Corporation shall be holden at such time and place as the By-Laws shall direct; and the Secretary shall give notice thereof in one or more newspapers, printed in Boston, seven days at least before the time of meeting. And special meetings may be called by the Trustees in the same manner, unless otherwise directed by the By-Laws; or by the Secretary, in the same manner, upon the written request of twenty members of the Corporation. At all meetings, a quorum for business shall consist of not less than seven members; and any business may be transacted, of which notice shall be given in the advertisements for the meeting, and all questions shall be decided by a majority of the members present, and voting either in person or by proxy.

SECT. 6. — Be it further enacted, That, as soon as the said Corporation shall have received from the Massachusetts Horticultural Society a legal conveyance of the said garden and cemetery at Mount Auburn, the Massachusetts Horticultural Society shall cease to have any rights, powers, and authorities over the same; and all the rights, powers, and authorities, trusts, immunities, and privileges conferred upon the said Society, and upon the proprietors of lots in the said cemetery, in

and by virtue of the first section of the statute of the year one thousand eight hundred and thirty-one, chapter sixty-nine, shall be transferred to and exercised by the Corporation created by this Act; and the same shall, to all intents and purposes, apply to the said Corporation, and all proprietors of lots in the said cemetery, with the same force and effect as if the same were herein specially enacted, and the said Corporation substituted for the Massachusetts Horticultural Society hereby.

SECT. 7. — Be it further enacted, That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery-lot, within the limits of the garden and cemetery aforesaid, or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant within the limits of the said garden and cemetery, or shall shoot or discharge any gun or other fire-arm within the said limits, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or other court of competent jurisdiction within the county of Middlesex, be punished by a fine not less than Five Dollars nor more than Fifty Dollars, according to the nature and aggravation of the offence; and such offender shall also be liable in an action of trespass, to be brought against him in any court of competent jurisdiction, in the name of the Proprietors of the Cemetery of Mount Auburn, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by the said Corporation, under the direction of the Board of Trustees, to the reparation and restoration of the property destroyed or injured as above; and members of the said Corporation shall be competent witnesses in such suits.

SECT. 8. — Be it further enacted, That lots in the said cemetery shall be indivisible, and, upon the death of any proprietor of any lot in the said cemetery containing not less than three hundred square feet, the devisee of such lot, or the heir-at-law, as the case may be, shall be entitled to all the privileges of membership as aforesaid; and, if there be more than one devisee or heir-at-law of such lot, the Board of Trustees for the time being shall designate which of the said devisees or heirs-at-law shall represent the said lot, and vote in the meetings of the Corporation; which designation shall continue in force until by death, removal, or other sufficient cause, another designa-

tion shall become necessary ; and, in making such designation, the Trustees shall, as far as they conveniently may, give the preference to males over females, and to proximity of blood and priority of age, having due regard, however, to proximity of residence.

SECT. 9. — Be it further enacted, That it shall be lawful for the said Corporation to take and hold any grant, donation, or bequest of property, upon trust, to apply the income thereof, under the direction of the Board of Trustees, for the improvement or embellishment of the said cemetery, or of the garden adjacent thereto, or of any buildings, structures, or fences erected, or to be erected, upon the lands of the said Corporation, or of any individual proprietor of a lot in the cemetery, or for the repair, preservation, or renewal of any tomb, monument, gravestone, fence, or railing, or other erection in or around any cemetery-lot, or for the planting and cultivation of trees, shrubs, flowers, or plants in or around any cemetery-lot, according to the terms of such grant, donation, or bequest ; and the Supreme Judicial Court in this Commonwealth, or any other court therein having equity jurisdiction, shall have full power and jurisdiction to compel the due performance of the said trusts, or any of them, upon a bill filed by a proprietor of any lot in the said cemetery for that purpose.

SECT. 10. — Be it further enacted as follows : First, That the present proprietors of lots in the said cemetery, who shall become members of the Corporation created by this Act, shall thenceforth cease to be members of the said Horticultural Society, so far as their membership therein depends on their being proprietors of lots in the said cemetery. Secondly, That the sales of the cemetery-lots shall continue to be made as fast as it is practicable by the Corporation created by this Act, at a price not less than the sum of sixty dollars for every lot containing three hundred square feet, and so, in proportion, for any greater or less quantity, unless the said Horticultural Society and the Corporation created by this Act shall mutually agree to sell the same at a less price. Thirdly, That the proceeds of the first sales of such lots, after deducting the annual expenses of the cemetery establishment, shall be applied to the extinguishment of the present debts due by the said Horticultural Society on account of the said garden and cemetery ; and, after the extinguishment of the said debts, the balance of the said proceeds, and proceeds of all future sales, shall annually, on the first Monday in every year, be divided between the said Horticultural Society and the Corporation created by this Act, in manner following, namely : — fourteen

hundred dollars shall be first deducted from the gross proceeds of the sales of lots during the preceding year, for the purpose of defraying the Superintendent's salary and other incidental expenses of the cemetery establishment; and the residue of the said gross proceeds shall be divided between the said Horticultural Society and the Corporation created by this Act, as follows, namely: one-fourth part thereof shall be received by and paid over to the said Horticultural Society on the first Monday of January of every year, and the remaining three-fourth parts shall be retained and held by the Corporation created by this Act, to their own use forever. And, if the sales of any year shall be less than fourteen hundred dollars, then the deficiency shall be a charge on the sales of the succeeding year or years. Fourthly, The money so received by the said Horticultural Society shall be forever devoted and applied by the said Society to the purposes of an experimental garden, and to promote the art and science of horticulture, and for no other purpose; and the money so retained by the Corporation created by this Act shall be forever devoted and applied to the preservation, improvement, embellishment, and enlargement of the said cemetery and garden, and the incidental expenses thereof, and for no other purpose whatsoever. Fifthly, a committee of the said Horticultural Society, duly appointed for this purpose, shall, on the first Monday of January of every year, have a right to inspect and examine the books and accounts of the Treasurer, or other officer acting as Treasurer, of the Corporation created by this Act, as far as may be necessary to ascertain the sales of lots of the preceding year.

SECT. 11. — Be it further enacted, That any three or more of the persons named in this Act shall have authority to call the first meeting of the said Corporation, by an advertisement in one or more newspapers, printed in the city of Boston, seven days, at least, before the time of holding such meeting, and specifying the time and place thereof. And all proprietors of lots, who shall before, at, or during the time of holding such meeting, by writing, assent to this Act, shall be entitled to vote in person or by proxy at the said first meeting. And at such meeting, or any adjournment thereof, any elections may be had, and any business done, which are herein authorized to be had and done at an Annual Meeting, although the same may not be specified in the notice for the said meeting. And the first Board of Trustees, chosen at the said meeting, shall continue in office until the Annual Meeting of the said Corporation next ensuing their choice, and until another Board are chosen in their stead, in pursuance of this Act.

SECT. 12. — Be it further enacted, That the said cemetery shall be, and hereby is, declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

Acts and Resolves of the Commonwealth of Massachusetts.

1850, CHAPTER 271.

AN ACT

IN ADDITION TO AN "ACT TO INCORPORATE THE PROPRIETORS OF THE CEMETERY OF MOUNT AUBURN."

Approved May 3, 1850.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows: —

The Corporation known as the Proprietors of the Cemetery of Mount Auburn may purchase and hold in fee simple, or otherwise, any real estate, or any interest in any real estate, situate and lying in the towns of Cambridge and Watertown, in the county of Middlesex, — any thing in the Act of this legislature passed March thirty-first, A.D. eighteen hundred and thirty-five, entitled "An Act to incorporate the Proprietors of the Cemetery of Mount Auburn," to the contrary notwithstanding. *Provided always*, that such real estate by the said Corporation so purchased, holden, and possessed as aforesaid, under the provisions of this Act, shall not at any one time exceed one hundred acres in extent, in addition to whatever real estate the said Corporation now holds, or is entitled to hold, by virtue of the Act to which this Act is in addition as aforesaid.

Acts and Resolves of the Commonwealth of Massachusetts.

1859, CHAPTER 197.

AN ACT

IN ADDITION TO "AN ACT TO INCORPORATE THE PROPRIETORS OF THE CEMETERY OF MOUNT AUBURN."

Approved April 6, 1859.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : —

SECTION 1. — The Corporation known as the Proprietors of the Cemetery of Mount Auburn may grant and convey to the heirs-at-law, devisees, or trustees of any deceased person, any lot or lots, and additions to the same, in said cemetery, for the purpose of burial, or of erecting tombs, cenotaphs, and other monuments, in and upon the same, to be held by the grantees in accordance with the provisions of Section Eight of the Act creating said Corporation.

SECT. 2. — Said Corporation may grant and convey to any other corporate body, its successors and assigns, any lot or lots, and additions thereto, for the purposes aforesaid ; which lot or lots, if containing more than three hundred square feet, may be represented by the President, Treasurer, or such other officer as may be designated by such corporate body.

Acts and Resolves of the Commonwealth of Massachusetts.

1865, CHAPTER 252.

AN ACT

RELATING TO THE RECORDS OF DEEDS AND OTHER INSTRUMENTS BY CEMETERY CORPORATIONS.

Approved May 16, 1865.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : —

SECTION 1. — Whenever any cemetery corporation, created by special charter, or organized under the general laws of this Commonwealth, regularly keeps books in which are entered the records of all conveyances of burial lots within said cemetery made by the Corporation to its individual members or other persons, and all instruments of contract between such Corporation and its individual members or other persons relating to such lots, such records shall have and be of the same force and effect as if made in the registry of deeds for the county where such cemetery is situated ; and no other record shall be deemed necessary.

SECT. 2. — The records of deeds and other instruments named in the first section, heretofore made by any such Corporation, are hereby made valid and sufficient.

SECT. 3. — The Secretary or Clerk of such Corporation is authorized to give certified copies of all deeds and instruments recorded as aforesaid ; and the same may be used in evidence in the same manner as copies certified by the register of deeds.

SECT. 4. — This Act shall take effect upon its passage.

Acts and Resolves of the Commonwealth of Massachusetts.

1866, CHAPTER 104.

AN ACTIN RELATION TO VOTING BY PROXY IN CEMETERY
CORPORATIONS.*Approved March 26, 1866.*

Be it enacted, &c., as follows : —

SECTION 1. — The provisions relating to voting by proxy, contained in section seven of chapter sixty of the General Statutes, shall apply to Cemetery Corporations.

SECT. 2. — This Act shall take effect upon its passage.

The provisions referred to in the foregoing Act are as follows : —

General Statutes, Chap. 60, § 7. “ At all meetings of the Company, absent stockholders may vote by proxy authorized in writing ; but no proxy shall be valid unless executed and dated within six months previous to the meeting at which it is used, if the maker thereof resides in the United States ; and no person shall, as proxy or attorney, cast more than fifty votes, unless all the shares so represented by him are owned by one person ; and no officer of the Corporation, as proxy or attorney, shall cast more than twenty votes. Every Company may determine by its By-Laws what number of stockholders shall attend, either in person or by proxy, or what number of shares, or amount of interest, shall be represented at any meeting to constitute a quorum. If the quorum is not so determined, a majority in interest of the stockholders shall constitute a quorum.”

Acts and Resolves of the Commonwealth of Massachusetts.

1869, CHAPTER 179.

AN ACT

IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS
OF THE CEMETERY OF MOUNT AUBURN.*Approved April 17, 1869.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows: —

SECTION 1. — The authority conferred upon any cemetery corporation organized under the provisions of section two of chapter twenty-eight of the General Statutes, to take and hold so much real and personal estate as may be necessary for the objects of its organization, is hereby vested in the Proprietors of the Cemetery of Mount Auburn.

SECT. 2. — No member of the said Corporation shall, in his individual right, be entitled to more than one vote at the meetings of said Corporation.

SECT. 3. — The officers of the said Corporation shall consist of twelve Trustees, a Treasurer, Secretary, and such other officers as the Trustees may direct. The twelve persons who now constitute the Board of Trustees shall be divided by lot, or otherwise, as they themselves may determine, into six classes of two each; and the persons of the first class shall go out of office on the day of the next Annual Meeting; and the persons of the second, third, fourth, fifth, and sixth classes, shall go out of office, respectively, on the day of each succeeding annual election in the years eighteen hundred seventy-one, eighteen hundred seventy-two, eighteen hundred seventy-three, eighteen hundred seventy-four, and eighteen hundred seventy-five; and the two Trustees who shall be chosen at the Annual Meeting in the year eighteen hundred and seventy, and in each succeeding year, shall continue in office, respectively, for the term of

six years. In case of the death or resignation of any Trustee, the vacancy shall be filled by the proprietors at the next Annual Meeting succeeding such death or resignation. Nothing herein contained shall prevent any person whose term of office shall have expired from being re-eligible.

SECT. 4. — The Secretary shall give notice of annual and special meetings of said Corporation by sending by mail, or otherwise, to each member of the Corporation whose place of residence or business shall be known to him, a printed notice thereof, seven days before the time of such meeting, and by publication of such notice in one or more newspapers printed in Boston, seven days before the time of such meeting. At all meetings, a quorum for business shall consist of not less than twenty-five members.

SECT. 5. — Such parts of sections two, three, four, and five of chapter ninety-six of the Acts of the year eighteen hundred and thirty-five, or of any Act in addition thereto, which may be inconsistent with the provisions of this Act, are hereby repealed.

BY-LAWS
OF THE
PROPRIETORS OF THE CEMETERY OF
MOUNT AUBURN,

ADOPTED JANUARY 29, 1872.

ARTICLE I.

MEMBERS OF THE CORPORATION.

PROPRIETORS of lots containing not less than three hundred square feet of ground are members of the Corporation; and only they, or representatives of such lots designated as hereinafter provided, are entitled to vote at its meetings.* No person, not a member of the Corporation, shall be eligible to the office of Trustee.

ARTICLE II.

ANNUAL MEETING.

The Annual Meeting of the Corporation shall be held in Boston, on the first Monday in February, at such place and hour as the Trustees may from time to time determine. In case of any irregularity in calling or holding the meeting on that day, a special meeting shall be called, which special meeting shall be the Annual Meeting for that year.

A report of the Trustees, embracing also reports of the Treasurer and Superintendent, for the preceding year, shall be presented; vacancies in the Board of Trustees, from whatever cause, shall be filled, by ballot; and such other business transacted as may have been specified in the notice therefor.

ARTICLE III.

TRUSTEES AND OFFICERS.

A meeting of the Trustees, for organization, shall be called

* The conditions of membership, and the right to vote, are fixed by the Act of March 31, 1835.

by the Secretary, and shall be held within two weeks after the Annual Meeting of the Corporation.

A President shall first be elected; after which, either at the same meeting or at an adjournment thereof, there shall be chosen a Secretary, Treasurer, and Superintendent, all by ballot; and all salaries for the ensuing year shall then be fixed.

Stated meetings of the Trustees shall be held as often as once a month. Special meetings shall be called by the President upon the written request of five Trustees. Seven Trustees shall constitute a quorum for the transaction of business.

No Trustee shall receive any salary or other emolument for services while in office; neither shall a salaried officer receive any other payment or fee than that fixed upon by the Trustees before such service has been performed; nor shall an officer or a paid servant of the Corporation have any additional pecuniary interest, direct or indirect, in work or material designed or done in or for the cemetery, whether for the Corporation or others.

The Trustees may at their discretion establish other minor rules and regulations than are contained in these By-Laws.

ARTICLE IV.

PRESIDENT.

The President shall preside at all meetings of the Corporation and of the Trustees; and in his absence a temporary chairman shall be chosen.

ARTICLE V.

SECRETARY.

The Secretary shall notify and attend all meetings of the Corporation and of the Trustees, and shall keep a faithful record of their doings. He shall prepare, have the custody, and attend to the proper disposition of all papers, of whatever nature, made necessary by any rules or directions of the Trustees, or any committee thereof; and perform any other duties required by them appropriate to his office. He shall pay all fees received by him to the Treasurer.

ARTICLE VI.

TREASURER.

The Treasurer shall give bonds, to the amount of ten thousand dollars, for the faithful discharge of the duties of his office. He shall collect all moneys due to the Corporation, hold, invest, or pay them, under direction of the Trustees, or the Committee on Finance. He shall keep such books of account, and make such other reports as are not already provided for, as they may direct.

ARTICLE VII.

SUPERINTENDENT.

The Superintendent shall, at all times and in all respects, be subject to the directions of the Board of Trustees, either directly or by any of its committees. He shall have the general care and custody of the cemetery, the control and direction of all subordinate officers and workmen employed therein, and the enforcement of all laws, rules, or regulations affecting the rights of proprietors or the conduct of visitors. He shall negotiate the sale of lots. He shall pay all fees received at the cemetery to the Treasurer. He shall keep such books of record, make such reports, and perform such other duties appropriate to his office, as the Trustees may from time to time require.

ARTICLE VIII.

COMMITTEES.

All committees shall be appointed by the President.

The following standing committees shall be appointed annually, immediately after the organization of the Board of Trustees: —

A Committee on Grounds, to consist of the President and four other Trustees, who shall have general charge of the grounds, trees, avenues, and paths in the cemetery. No avenues or paths shall be laid out, or changed in location or name, without having been reported to the Board of Trustees, and confirmed by them.

A Committee on Lots, to consist of three Trustees, who shall have supervision of all sales, locations, or enlarge-

ment of lots or spaces; of questions of rights between individual proprietors, or between proprietors and the Corporation; and of contracts with proprietors for the partial or perpetual care of lots. They shall, at least once in each year, personally examine all lots for the care of which contracts have been made, and see that the terms of such contracts are complied with.

A Committee on Interments, to consist of two Trustees, who shall superintend the general subject of interments, and see that the laws of the Commonwealth in relation thereto are complied with.

A Committee on Finance, to consist of two Trustees, who shall direct the Treasurer in the custody, payment, or investment of the funds of the Corporation. They shall also act as Auditors; shall examine the Treasurer's account, vouchers, certificates of stock, and other evidences of property belonging to the Corporation, quarterly, and append the result thereof to his Annual Report.

ARTICLE IX.

APPROPRIATIONS AND PAYMENTS.

No appropriations exceeding the sum of one thousand dollars for a single purpose shall be made, unless notice thereof shall have been given at a meeting held not less than seven days before final action is taken.

No expenditures shall be incurred, except in pursuance of orders by the Board of Trustees, or unless an appropriation shall have been made to meet them.

No payment shall be made until the bills, or pay-rolls, as the case may be, have been examined by the appropriate committee, and approved by the Board of Trustees, unless upon contract made by authority of, and approved by, the Board, or in pursuance of a vote of the Trustees.

ARTICLE X.

SALES AND CONVEYANCES.

Upon the selection of a lot, or parcel of ground, the Superintendent shall issue, to the person proposing to purchase, a certificate in the form provided therefor.

When the terms and conditions of the sale shall have been approved, in writing, by a majority of the Committee on Lots, the purchaser shall pay to the Treasurer the stipulated price; whereupon the Secretary shall make, record * and deliver a deed signed by the Treasurer, countersigned by the Secretary, and sealed with the common seal of the Corporation, which shall be receipted for in a book provided for that purpose.

Lots for tombs may be sold, under direction of the Committee on Lots, in places approved by the Board of Trustees. The construction and position of tombs built therein must also be approved by the Committee on Lots.

A space of not less than three feet shall be reserved between the fence-limits of different lots, unless otherwise ordered by special vote of the Trustees. The land so reserved, when it exceeds three feet, and does not exceed ten feet, in width, between any two lots, may be sold to the nearest lot holder or holders, upon the condition that said land shall forever be kept open and without interments. Or if such space shall, in the opinion of the Committee on Lots, be greater than is needful for passage-ways, the land may be sold for burial-purposes; written notice having first been given to the abutters, who shall be entitled to a preference.

The same fees shall be paid to the Secretary for the record of transfers and other instruments for proprietors as for making and recording original deeds.

The Secretary shall make monthly reports to the Board of Trustees, of sales which have been approved by the Committee on Lots.

ARTICLE XI.

INTERMENTS.

No interment shall be made until the superintendent shall have been furnished with such permits as may be required by the laws of the Commonwealth, or of the city or town from which the deceased may be brought, together with an order from the proprietor of the lot in which such interment is to be made, or from his legal representative; nor until the fees hereinafter provided shall have been paid.

* No other record elsewhere is necessary. See Mass. Statutes 1865, chap. 252.

The charge for opening an adult grave and making an interment, shall be five dollars; for the same service in the case of a child under ten years of age, three dollars. The same fees shall be paid for opening a tomb as for preparing a grave.

Interments may be made in the public lots belonging to the Corporation, and the graves numbered on stone, upon the payment of twenty-five dollars each in addition to the fees hereinbefore provided; but no slab, monument, or fence shall be erected upon or around such graves without the approval of the Committee on Lots. The Treasurer shall give the purchaser of a grave a certificate therefor in the form provided for that purpose. Whenever any such grave shall become vacant by removal of the body interred therein, the land shall revert to the Corporation; but in case the owner thereof, or his representative, becomes the purchaser of a lot in the cemetery, the original price for the grave shall be allowed in part payment for the lot.

Not more than two interments shall be made in the same grave, whether in a private or a public lot, and the later interment shall be at least three feet below the surface of the ground.

Bodies may be deposited in a receiving-tomb upon the payment of twenty-five dollars. If, within four months after the interment, such body shall be removed to any other part of the cemetery, seventeen dollars of the above sum shall be refunded; otherwise the whole amount shall be retained by the Corporation, and the Superintendent may at any time thereafter remove the body to such place within the cemetery as the Committee on Interments may direct. The Superintendent shall deliver any such body to the friends or relatives applying for it in a legal manner, for removal, at their own expense, from the cemetery.

At military funerals no firing of volleys shall be allowed within the cemetery, except by special permission of the President.

No grave nor tomb shall be opened for interment or removal by any person not in the employ of the Corporation.

ARTICLE XII.

CARE AND CONDITION OF LOTS.

When a burial-lot, or other parcel of ground, shall have been sold, it shall be graded, suitable boundary-stones erected, and its designation, by number or otherwise, legibly displayed, by the proprietor, within sixty days from the date of the deed ; or the Committee on Lots may, at any time thereafter, cause such work to be done at the expense of said proprietor.

No other person than the proprietor himself, or the proper officers and servants of the Corporation, shall be allowed to perform any work on a lot, or parcel of ground, without a permit from the Secretary. Proprietors may obtain such permits upon a written application, to be renewed annually. All such employees shall be under the supervision and control of the Superintendent.

Proprietors may erect on their lots fences, live-hedges, monuments, and stones, subject in all respects to the approval of the Committee on Lots. The use of wood or slate for any such purposes shall not be allowed. Trees shall only be removed therefrom by direction or consent of the Committee on Grounds.

Catacomb tombs with entrance-doors above ground may be constructed in such places and manner as shall be approved by the Committee on Lots. No bodies shall be placed therein except in single compartments, to be hermetically closed with brick or stone and cement.

Proprietors of neglected lots shall be notified of their condition by the Secretary, under direction of the Committee on Lots ; and in case of continued neglect so as, in the opinion of the Committee on Grounds, to impair the general appearance of the cemetery, any such lot may be put in order by the said Committee on Lots, at the expense of the proprietor thereof.

The devisee of a deceased proprietor shall furnish the Secretary with the evidence of his title, which shall be recorded in a book kept for that purpose ; and a person claiming to be the sole heir-at-law of a deceased proprietor shall furnish an affidavit setting forth the facts necessary to establish such

claim, which shall be filed with the papers of the Corporation ; and in either case proper reference thereto shall be made upon the margin of the record of the original deed.

The devisees, or heirs-at-law, of a deceased proprietor, or the guardian of such persons, desiring the appointment of a person to represent the lot owned in common by them, shall make written application to the Trustees for that purpose.

Any person designated by a company, society, or association, whether corporate or not, which may own a lot of not less than three hundred square feet, shall represent such lot, and may vote at all meetings of the Corporation.

ARTICLE XIII.

PERMANENT FUND.

The following orders, adopted by the Board of Trustees on the sixth day of April, 1857, constitute an irrevocable By-Law under the above-named title.

It is ordered, by the Trustees of the Cemetery of Mount Auburn, that, in the month of December of each year, the Treasurer of the proprietors of the Cemetery of Mount Auburn shall deposit with the Massachusetts Hospital Life Insurance Company, if they will receive it on as favorable conditions as other deposits, in trust for the said proprietors, a sum equal to one-fifth part of the gross proceeds of the lots and parts of lots, and intermediate spaces between lots, which shall have been sold subsequently to the first day of December in the year preceding ; the interest of which sums shall annually, or oftener, be added to the capital, for the purpose and upon the principle of accumulation, until the whole of said deposits, with the accumulated interest, shall amount to one hundred and fifty thousand dollars.*

And, when the said fund shall have amounted to the sum of one hundred and fifty thousand dollars, it shall be lawful for the Trustees, if they see fit, to withdraw the income thereof, and appropriate the same to the care, preservation, and keeping in order of the cemetery and its appurtenances, to the

* Under date of Nov. 8, 1871, the Trustees voted to increase the Permanent Fund to \$200,000 before withdrawing any of the income from it.

payment of the salaries, and to the other necessary expenses of the institution ; and, by vote of *four-fifths* of the Trustees for the time being, they may withdraw, from time to time, the principal of the said fund, and invest the same as hereinafter is prescribed.

If at any time the Trustees shall deem the Massachusetts Hospital Life Insurance Company to be an *unsafe place of deposit* of the said fund, and shall, by a vote of a majority of all the members of the Board, so declare of record, the said fund may be withdrawn from the custody of the said insurance company, as soon as, by the conditions of the deposit, it may be, and shall then be invested, in the name of the proprietors of the Cemetery of Mount Auburn, upon the same trusts, in the public debt of the United States, or in that of the State of Massachusetts, or in the debt of the City of Boston, or the City of Charlestown, or the City of Roxbury, or the City of Cambridge, or in mortgages of real estate in Boston : provided that no mortgage shall be taken for a sum exceeding two-thirds of the value of the estate as it stands, when taken, on the valuation-books of the assessors of the city taxes ; nor for a period exceeding five years ; nor in which the interest shall not be payable as often as annually, to which shall be added insurance against fire by some competent insurance company in Boston, for the amount of the loan, or such proportion thereof as the value of the buildings on the land shall enable the owner to obtain, which insurance shall be renewed from time to time at the expense of the mortgagor and his assigns, and shall be payable, in case of loss, to the Trustees of the Cemetery of Mount Auburn.

It is ordered, that in all the deeds which shall hereafter be issued to the purchasers of lots, parts of lots, or other parcels of land, in the cemetery, the following covenant shall be inserted : —

“ And the said proprietors of the Cemetery of Mount Auburn further covenant to and with the said heirs and assigns, that the provisions of an order passed by the Trustees of this Corporation, on the sixth day of April, in the year eighteen hundred and fifty-seven (which is made part of this

covenant, as if herein repeated), for the establishment and security of a fund for the preservation of the cemetery and its appurtenances, shall be forever kept, observed, and performed by the said Corporation."

ARTICLE XIV.

REPAIR FUND.

The Trustees may receive in trust from a proprietor any sum of money the *income* of which shall be appropriated to the repair of his lot, according to the terms of trust expressed in the form provided.

The Trustees may also guarantee the *perpetual* repair of lots, upon the payment of such a sum as the Committee on Lots shall deem sufficient for that purpose, a form for which is also provided.

All such sums shall collectively constitute a separate fund, called the "Repair Fund," and shall be invested in some public stock of this State or of the national government, or in the stock of some bank or banks of this State, or in notes secured by a sufficient collateral pledge of stocks in this State, or mortgage on real estate in Boston.

Each lot in relation to which such a contract shall have been made shall be credited in a book kept for the purpose, with the principal sum paid on account of said lot; and at the close of each year a ratable proportion of the net income of the whole repair fund, shall be carried to its credit in conformity with the terms of said contracts.

A proprietor who shall have contracted with the Corporation for the care and preservation of his lot forever, desiring to place the same in perpetual trust, for the purpose of restricting the right of burial, or for any other legitimate object, may, with the consent of the Committee on Lots, reconvey such lot to the Corporation, to hold the same forever for the uses and trusts expressed in his deed of reconveyance; reserving to himself, and to such as may be beneficiaries thereunder, the right of admission, and such supervision as may not be inconsistent with the rights which have vested in the Corporation.

ARTICLE XV.

RECORDS AND PLANS.

There shall be kept at the office of the Secretary all the books necessary for recording the original deeds of lots, of ornamental grounds, and of spaces between lots; of transfers from proprietor to proprietor or to the Corporation, and transfers by will or by operation of law; also, instruments of donation in trust for the repair of lots, or for any purpose consistent with the objects of the cemetery; also, a register of interments; and such other records as may from time to time be found necessary or convenient by the Board of Trustees or any committee thereof.

No record of any person's interest in a lot, less than the entire ownership, shall be made on the books of the Corporation.

A sectional plan of the cemetery shall be kept at the office of the Secretary, on which shall be entered, under direction of the Committee on Grounds, by a surveyor designated by them, all avenues and paths duly named, and all lots, sold or laid out by the Corporation, duly numbered. All changes shall be noted thereon, so that, at all times, it shall represent the condition of the cemetery in the particulars named. The original lines shall be in black, and shall not be erased. The changed lines shall be in red. Both the interior and exterior lines of lots shall be given; and the interior distances of the side lines and diagonals shall be expressed in figures.

Portfolios shall be kept at the office of the Secretary, in which he shall insert plans of lots procured by the proprietors thereof. Such plans shall be drawn upon paper of a uniform size, furnished by the Secretary, by a surveyor approved by the Committee on Lots. The plans, too, must be approved by the said committee, and certified as correct by the Superintendent. The fee for placing the plan in the portfolio, and the proprietor's name in the index, shall be one dollar.

ARTICLE XVI.

ADMITTANCE.

The Secretary shall furnish, upon application, to each proprietor, or to the properly designated representative, of a lot,

a ticket, not transferable, entitling him and his household to drive with a carriage into the cemetery. He may give like permits, not exceeding three for any one lot, to others, owners with the person holding the title.

He may also furnish to a proprietor making special application therefor, for stated periods, a ticket to ride into the cemetery on horseback.

The public shall be admitted, to walk, on any day excepting Sundays or holidays.

Strangers, or other persons, may be admitted with carriages by written permission of any Trustee, of the Secretary, Treasurer, or Superintendent.

The tickets or permits herein provided for shall be subject in all respects to the further regulations of the Trustees.

The Trustees may at any time restrict the admission of non-proprietors.

ARTICLE XVII.

FORMS.

The following forms, made necessary by the provisions of these By-Laws, shall be used for the purposes and in the manner indicated : —

SUPERINTENDENT'S CERTIFICATE OF SELECTION.

MOUNT AUBURN CEMETERY.

Certificate No.

18

MR. of has this day selected lot No. in the Cemetery of Mount Auburn, situated on the way called containing square feet, at cents per foot, of which he may be the proprietor by the payment of dollars to the Treasurer of said Corporation within thirty days from this date, together with two dollars for making and recording the deed of the same; and provided, also, that this certificate shall be presented and surrendered to the Treasurer within thirty days from this date. If not presented within the time aforesaid, all right to the selected lot herein referred to shall cease. The laying-out and sale of

this lot are to be subjected to the approval of the Committee on Lots.

Payable to	Treasurer, No.	Street, Boston.
Land, \$		
Deed, 2.00		

Superintendent.

FORM FOR CONVEYANCE OF LOTS.

KNOW ALL MEN BY THESE PRESENTS, That the proprietors of the Cemetery of Mount Auburn, in consideration of _____ dollars paid to them by _____ of _____ the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey to the said _____ and _____ heirs and assigns, a lot of land in the Cemetery of Mount Auburn, in the County of Middlesex, numbered _____ on the plan which is in the possession of the said Corporation for inspection by the said grantee _____ heirs and assigns, at all seasonable times, and situated on or near the _____ side of the way called _____, at a distance of about _____ feet therefrom, with a right of way from said _____ to said lot. Said lot is of form _____ and contains _____ square feet.

To have and to hold the aforegranted premises unto the said _____ heirs and assigns, forever ; subject, however, to the conditions and limitations, and with the privileges following ; to wit : —

First, That the proprietor of the said lot shall have the right to enclose the same with a wall or fence (of other material than wood), not exceeding one foot in thickness, which may be placed on the adjoining land of the Corporation, exterior to the said lot, subject to all the conditions of the By-Laws of the Corporation.

Second, That the said lot of land shall not be used for

any other purpose than as a place of burial for the dead; and no trees within the lot or border shall be cut down or destroyed without the consent of the Trustees of the said Corporation.

Third, That the proprietor of the said lot shall have the right to erect stones, monuments, or sepulchral structures, and to cultivate trees, shrubs, and plants in the same.

Fourth, The proprietor of the said lot of land shall, under the direction of the Trustees, grade the same, and erect at his or her own expense suitable landmarks of stone or iron at the corners thereof; and shall also cause the number thereof to be legibly and permanently marked on the premises. And if the said proprietor shall omit, for sixty days after notice, so to grade the lot, to erect the landmarks, and mark the number, the Trustees shall have authority to cause the same to be done at the expense of the said proprietor.

Fifth, That if the landmarks and boundaries of the said lot shall be effaced, so that the said lot cannot, with reasonable diligence, be found and identified, the said Trustees shall set off to the said grantee, heirs or assigns, a lot in lieu thereof, in such part of the cemetery as they see fit ; and the lot hereby granted shall, in such case, revert to the Corporation.

Sixth, That if any trees or shrubs situated in said lot of land shall, by means of their roots, branches, or otherwise, become detrimental to the adjacent lots or avenues, or dangerous or inconvenient, it shall be the duty of the said Trustees, for the time being, and they shall have the right, to enter into the said lot, and remove the said trees and shrubs, or such parts thereof as are thus detrimental, dangerous, or inconvenient.

Seventh, That if any monument or effigy, or any structure whatever, or any inscription, be placed in or upon the said land, which shall be determined by the major part of the said Trustees, for the time being, to be offensive or improper, the said Trustees, or the major part of them, shall have the right, and it shall be their duty, to enter upon said land, and remove the said offensive or improper object or objects.

Eighth, No fence shall from time to time, or at any time, be

placed or erected in or around the said lot, the materials and design of which shall not first have been approved by the Trustees.

Ninth, No tomb shall be constructed within the bounds of the cemetery, except in or upon the lots situated in such parts of the grounds as shall be designated by the Trustees for that purpose; and no proprietor shall suffer the remains of any person to be deposited in a tomb so authorized *for hire*.

Tenth, The said lot of land shall be holden subject to the provisions contained in an Act of the General Court, dated March 31, 1835, and entitled "An Act to incorporate the Proprietors of the Cemetery of Mount Auburn," and the several Acts in addition thereto.

And the said proprietors of the Cemetery of Mount Auburn do hereby covenant to and with the said

heirs and assigns, that they are lawfully seized of the aforegranted premises, and of the ways leading to the same from the highway, in fee simple; that they are free from all incumbrances; that the Corporation have a right to sell and convey the said premises to the said heirs and assigns for the purposes above expressed; and that they will warrant and defend the same unto the said heirs and assigns forever.

And the said proprietors of the Cemetery of Mount Auburn further covenant to and with the said

heirs and assigns, that the provisions of an order passed by the Trustees of this Corporation on the sixth day of April, 1857,* for the establishment and security of a fund for the preservation of the cemetery and its appurtenances, and the further provisions of an order adopted by said Trustees on the fourth day of November, 1861,† requiring that certain spaces within the cemetery be forever kept open, and that no interments be ever made, nor buildings nor monuments of any description be erected thereon (both which are made parts of this covenant, as if herein repeated), shall be forever kept, observed, and performed by said Corporation.

* See Article XIII. of these By-Laws.

† See Reservation of Spaces, page 51.

In testimony whereof, the said proprietors of the Cemetery of Mount Auburn have caused this instrument to be signed by their Treasurer, and countersigned by their Secretary, and their Common Seal to be hereto affixed, the day of in the year of our Lord eighteen hundred and

Countersigned.

Secretary.

Treasurer.

[SEAL.]

Recorded with the Deeds of Lots in said Cemetery in the books of the Corporation, on the date above written.

Attest,

Secretary.

FORM FOR CONVEYANCE OF SPACES BETWEEN LOTS.

KNOW ALL MEN BY THESE PRESENTS, That the proprietors of the Cemetery of Mount Auburn, in consideration of dollars, paid to them by

 of , the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey to the said and heirs and assigns, a certain piece of land in the Cemetery of Mount Auburn, adjoining the side of lot, which is situated on the way called and numbered on the plan of said cemetery ; the said piece of land being feet wide, and feet in length, containing square feet.

To have and to hold the aforegranted premises unto the said heirs and assigns, forever ; subject, however, to the conditions and limitations following ; to wit : —

First, That no part of said premises shall ever be used as a place of burial for the dead, unless the owner of said lot shall purchase the same for the purpose of enlarging his burial lot.

Second, That the whole of said premises shall forever re-

main as a part of the open grounds of said cemetery, except in the event of being purchased by the owner of the said lot as aforesaid.

Third, That no tree, shrub, or plant, and no inscription, landmark, monument, fence, or structure whatever, shall be placed in or upon the premises, or be removed therefrom, without the consent of the Board of Trustees, for the time being, of said Corporation,

[The covenants and conclusion are the same as in the form for conveyance of Lots.]

FORM FOR CONVEYANCE OF LAND FOR ORNAMENTAL PURPOSES.

KNOW ALL MEN BY THESE PRESENTS, That the proprietors of the Cemetery of Mount Auburn, in consideration of
 dollars, paid to them by of
 , the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey to the said
 and heirs and assigns, a certain piece of land adjacent to lot, in the Cemetery of Mount Auburn, in the County of Middlesex, situated on the way called , and numbered on the plan of said Cemetery , which plan is in the possession of the said Corporation for inspection by the said grantee, heirs and assigns, at all seasonable times; the said piece of land being
 feet and inches long, and feet and
 inches wide, and containing superficial square feet.

To have and to hold the aforegranted premises unto the said heirs and assigns, forever, for ornamental purposes; subject, however, to the conditions and limitations, and with the privileges following; viz. :—

First, That the proprietor of the said lot shall have the right to enclose the same with such wall or fence (of other material than wood), not exceeding one foot in thickness, and

which may be placed on the adjoining land of the Corporation, exterior to the said lot, as shall be approved by the Trustees.

Second, That the said lot of land shall never be used as a place of burial for the dead; and no trees within the lot or border shall be cut down or destroyed without the consent of the Trustees of the said Corporation.

Third, That the proprietor of the said lot shall have the right to erect stones, monuments, or ornamental structures, and to cultivate trees, shrubs, and plants in the same; the approval of the Trustees being first obtained.

Fourth, The proprietor of the said lot of land shall, under the direction of the Trustees, grade the same, and erect, at his or her own expense, suitable landmarks of stone or iron at the corners thereof; and shall also cause the number thereof to be legibly and permanently marked on the premises. And if the said proprietor shall omit, for sixty days after notice, so to grade the lot, to erect the landmarks, and mark the number, the Trustees shall have authority to cause the same to be done at the expense of the said proprietor.

Fifth, That if the landmarks and boundaries of the said lot shall be effaced, so that the said lot cannot, with reasonable diligence, be found and identified, the said Trustees shall set off to the said grantee, heirs or assigns, a lot in lieu thereof, in such part of the cemetery as they see fit; and the lot hereby granted shall, in such case, revert to the Corporation.

Sixth, That if any trees or shrubs situated in said lot of land shall, by means of their roots, branches, or otherwise, become detrimental to the adjacent lots or avenues, or dangerous or inconvenient, it shall be the duty of the said Trustees, for the time being, and they shall have the right, to enter into the said lot, and remove the said trees and shrubs, or such parts thereof as are thus detrimental, dangerous, or inconvenient.

Seventh, That if any monument or effigy, or any structure whatever, or any inscription, be placed in or upon the said land, which shall be determined by the major part of the said Trustees, for the time being, to be offensive or improper, the

said Trustees, or the major part of them, shall have the right, and it shall be their duty, to enter upon said land, and remove the said offensive or improper object or objects.

Eighth, No fence shall from time to time, or at any time, be placed or erected in or around the said lot, the materials and design of which shall not first have been approved by the Trustees.

Ninth, The said lot of land shall be holden subject to the provisions contained in an act of the General Court, dated March 31, 1835, and entitled "An Act to incorporate the Proprietors of the Cemetery of Mount Auburn," and the several Acts in addition thereto.

[The covenants and conclusion are the same as in the form for conveyance of Lots.]

ORDER FOR INTERMENT AND CITY OR TOWN PERMIT;
ALSO FEES.

To the Superintendent.

The undersigned wishes, on the day of 18 ,
to deposit in Lot No. owned by the remains
of late of , who died
at on the day of 18 ,
aged years months days.

Dated at this day of 18 .
Proprietor of Lot No.

Funeral procession expected to arrive at Mount Auburn at
o'clock.

Countersigned.

Undertaker.

N.B. — Every order for interment must be signed by the proprietor, or his or her legal attorney, and, after the decease of the proprietor, by the legal representative.

PERMISSION is given to remove the body of within
described from to Mount Auburn, the facts
required by law having been returned to this office.

permission to employ _____ of
 _____ to cut grass, clean the borders, and set
 plants upon said lot ; also to
 _____, and he hereby agrees to be respon-
 sible for all injury and damage which may be done by said
 _____, or those employed by him, either to the
 grounds or property of the Corporation, or of any proprietor,
 and for the removal of any rubbish that may be made in the
 doing of the work.

Proprietor.

Boston, 18 .

N.B. — This application must be filed with the Secretary.
 The party signing it should be careful to see that the blanks
 are properly filled, and to erase any words that do not express
 what is wanted.

MOUNT AUBURN CEMETERY.

Lot No.

Proprietor,

Upon the application of _____ of
 of Lot No. _____, in said cemetery, and upon his agree-
 ment to be responsible for all injury and damage that may be
 done, and for the removal of any rubbish that may be made,
 by _____ of _____, whom
 he proposes to employ, or by his workmen, the proprietors of
 the Cemetery of Mount Auburn permit the said
 _____ to employ the said _____ to do
 the following work upon said lot, in compliance with the regu-
 lations of the cemetery, and under the supervision and con-
 trol of the Superintendent.

Secretary.

Boston, 18

FORM FOR DONATION IN TRUST FOR THE REPAIR OF
 LOTS.

KNOW ALL MEN BY THESE PRESENTS, That
 hereby give _____ unto the proprietors of the Ceme-

tery of Mount Auburn the sum of ,
for their sole use forever ; in trust, nevertheless, that the Trustees of the said Corporation, for the time being, shall, in order to obtain an income therefrom, invest the same from time to time, in their discretion, in some public stock of this State or of the national government, or in the stock of some bank or banks of this State, or in notes secured by a satisfactory collateral pledge of stock in Massachusetts or mortgage in Boston, on interest ; and to apply the income or interest thereof, from time to time, after deducting therefrom the sum of fifty cents out of every hundred dollars of the sum so above given as follows : —

FIRST, To keep in suitable and good repair and preservation lot No. in the said cemetery, and the monument, fences, trees, shrubbery, and soil thereon.

SECONDLY, To suffer the surplus, if any, of such income or interest to accumulate for such time as the said Trustees may deem expedient ; or, in their discretion, to apply the same surplus, or any part thereof, from time to time, to ornamenting and preserving the grounds of the said cemetery, or to any other or all the purposes to which, by the Act of Incorporation, the funds of the said Corporation may be lawfully applied, and which are appropriate to the objects of the establishment of the said cemetery :

Provided, however, That the said Trustees shall never be responsible for their conduct in the premises, except for good faith, and such reasonable diligence as may be required of mere gratuitous agents ; and *provided, further,* that the said Trustees shall in no case be obliged to make any separate investment of the sum so given, and that the average income or interest derived from all funds of the like nature belonging to the Corporation shall be divided annually, and carried proportionally to the credit of each lot entitled thereto.

In witness whereof have hereunto set hand and
seal on this day of A.D. 18

Executed in presence of

[STAMP.]

FORM FOR DONATION IN TRUST FOR THE PERPETUAL
REPAIR OF LOTS, WITH GUARANTY.

KNOW ALL MEN BY THESE PRESENTS, That hereby give unto the proprietors of the Cemetery of Mount Auburn the sum of dollars, for their sole use forever ; in trust, nevertheless, that the Trustees of the said Corporation, for the time being, shall, in order to obtain an income therefrom, invest the same from time to time, in their discretion, in some public stock of this State or of the national government, or in the stock of some bank or banks of this State, or in notes secured by a satisfactory collateral pledge of stock in Massachusetts or mortgage in Boston, on interest, and to apply the income or interest thereof, from time to time :

FIRST, To keep forever in suitable and good repair and preservation lot numbered in the said cemetery, situated upon , and the monument , fence , trees, shrubbery, and soil thereon ; this contract being intended to attach to said lot and its appurtenances in the condition in which the same are described in a report thereon made by the Superintendent of the cemetery, dated , and which report is entered upon the records of this Corporation.

SECONDLY, To suffer the surplus, if any, of such income or interest to accumulate for such time as the said Trustees may deem expedient ; or, in their discretion, to apply the same surplus, or any part thereof, from time to time, to ornamenting and preserving the grounds of the said cemetery, or to any other or all the purposes to which, by the Act of Incorporation, the funds of the said Corporation may be lawfully applied, and which are appropriate to the objects of the establishment of the said cemetery :

Provided, however, That the said Trustees shall never be responsible for their conduct in the premises, except for good faith, and such reasonable diligence as may be required of mere gratuitous agents ; and *provided, further,* that the said Trustees shall in no case be obliged to make any separate investment of the sum so given, and that the average income or interest derived from all funds of the like nature belonging to

the Corporation shall be divided annually, and carried proportionally to the credit of each lot entitled thereto.

The consideration for this donation is the undertaking assumed by said Corporation, by virtue of the certificate of the Committee on Lots, hereto annexed, acting under powers conferred on them by the By-Laws of the said Corporation.

Witness hand and seal on this day of
A.D. eighteen hundred and

Executed in presence of

[STAMP.]

PROPRIETORS OF THE CEMETERY OF MOUNT AUBURN.

The Committee on Lots hereby certify that they approve of the sum of dollars as sufficient to warrant the guaranty, on the part of the proprietors of the Cemetery of Mount Auburn, that the within-named lot, numbered , shall be forever kept in good order and repair.

[STAMP.]

Committee on Lots. 18

The Treasurer of the proprietors of the Cemetery of Mount Auburn hereby acknowledges the receipt of dollars from on the trusts within mentioned.

Treasurer.

BOSTON, 18 .

In Board of Trustees, 18 . Concurred in.

Attest,

Secretary.

Received and entered with Mount Auburn records of grants and donations on this day of A.D. 18 .

Attest,

Secretary.

ARTICLE XVIII.

AMENDMENTS.

Any alteration or amendment of these By-Laws, excepting only that entitled "Permanent Fund," which is irrevocable, may be made by a majority of the whole Board of Trustees; notice of the proposed change having been given at a previous meeting at least seven days before action is taken upon it.

RULES AND REGULATIONS.

THE Secretary, Treasurer, and Superintendent shall each communicate to the others promptly and fully upon all such matters necessary to the most complete and efficient discharge of the duties of their respective positions. They shall keep the Trustees and the various committees thereof constantly advised of the transactions in their several departments, to the end that nothing is omitted likely to aid the Board in the administration of their trust. They shall render to proprietors and others having business at the office in Boston, or at the cemetery, every facility and assistance consistent with the character and purposes of the Corporation. They shall neither of them receive any other pay or fee than has been provided by the By-Laws of the Corporation. If a proprietor, or any other person, tenders to either of them a payment, gift, or service, intended as a reward, or calculated to influence or embarrass their official action, or to disturb confidence in them, the circumstances shall be immediately reported to the Trustees for their consideration. Neither shall they, nor any other person in the employ of the Corporation, engage in buying and selling lots or parcels of ground in the cemetery, excepting under direction of the Committee on Lots, and in the manner provided by the By-Laws.

The Secretary and Treasurer shall occupy the same office rooms in Boston. Their office hours shall be from nine o'clock, A.M., to three o'clock, P.M. daily, excepting Sundays and holidays, unless by written direction or consent of the President.

The Secretary shall keep a register of all interments, including the names and ages of persons interred, and the place and date of interment; also the vouchers and orders for interment, and disinterment or removal, properly filed. He shall keep a duplicate of said register for use at the cemetery. He shall issue all notices made necessary in preparing for

the care of lots, and in calling the attention of proprietors to neglected lots. He shall notify all meetings of committees; shall arrange their business for them, and attend the meetings, unless excused; making such records, and performing such other work, as may be required of him.

The Treasurer shall deposit, to the credit of the Corporation, all moneys received by him, in such bank in Boston as the Committee on Finance may direct; and all checks drawn against such deposits shall be signed by him, and made payable to a member of that committee, the President, or to a person whose bill shall have been approved by the Board of Trustees. He shall prepare, monthly, a schedule of bills contracted, including a pay-roll of laborers employed at the cemetery, to be examined, with the original bills therefor, by the appropriate committees, and presented for approval, or otherwise, at the next meeting of the Trustees thereafter. He shall prepare quarterly accounts to be presented at the first meeting of the Trustees in the months of January, April, July, and October, exhibiting all the transactions for the quarter prior thereto, together with a detailed statement of balances held for the repair of lots, and of all amounts due to the Corporation for materials or labor furnished at the cemetery. He shall prepare, render, and attend to the collection of all bills for materials or labor furnished at the cemetery.

The Superintendent shall reside near the cemetery. He shall engage, employ, and discharge subordinate officers at the cemetery under direction of the Committee on Grounds, but may engage and discharge laborers at his discretion, unless otherwise instructed. He shall see that all such persons perform faithfully the services due by them to the Corporation; that the contracts and orders of the Trustees, or committees thereof, are strictly complied with. He shall also see that all persons, whether employed in the cemetery, or visiting it, violating the laws of the Commonwealth, the By-Laws or Regulations of the Corporation, or the proprieties of the place, are promptly dealt with by removal from the cemetery, and by prosecution if so directed or authorized by the Committee on

Grounds. He shall keep in suitable books, provided for the purpose, all orders for work to be done or materials furnished for proprietors ; which orders shall be explicit in their terms, and signed by the persons giving them. The particulars of whatever is afterwards done or furnished in pursuance thereof shall be fully stated, and made a part of the entry, together with the prices agreed upon or to be charged : so that the Treasurer can make bills therefrom. He shall make immediate reports of all interments, with full particulars thereof, and return all orders and papers, of whatever nature, connected therewith, or with disinterments or removals, to the Secretary, for permanent disposition in his office. He shall make ample provision for prompt and sufficient attendance upon funeral processions arriving at the cemetery.

REGULATIONS CONCERNING VISITORS TO THE CEMETERY.

The gates of the cemetery shall be open, for visitors entitled to admission, daily, from sunrise until sunset.

Only proprietors, members of their households, or persons accompanying them, or others having written permits, shall be admitted on Sundays or holidays, unless for special reasons satisfactory at the time to the Superintendent.

No person shall be admitted at any time with refreshments ; neither with flowers, unless for use as decorations or memorials, notice thereof having been given before passing the gate-keeper.

No horse shall be driven in the cemetery faster than a walk ; nor left unfastened without a keeper ; nor fastened, except at posts provided for the purpose.

No person on horseback shall cross any lot, or drive upon a path.

The Superintendent shall see that the following provisions of law are strictly observed : —

“ Be it further enacted, That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed in the ceme-

tery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery lot, within the limits of the garden and cemetery aforesaid, or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant within the limits of the said garden and cemetery, or shall shoot or discharge any gun or other fire-arm within the said limits, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or other court of competent jurisdiction within the county of Middlesex, be punished by a fine not less than Five Dollars, nor more than Fifty Dollars, according to the nature and aggravation of the offence; and such offender shall also be liable, in an action of trespass to be brought against him in any court of competent jurisdiction, in the name of the proprietors of the Cemetery of Mount Auburn, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by the said Corporation, under the direction of the Board of Trustees, to the reparation and restoration of the property destroyed or injured as above; and members of the said Corporation shall be competent witnesses in such suits." (*Laws of the Commonwealth of Massachusetts*, 1835, chap. 96, sect. 7.)

No fees whatever, other than those provided by the By-Laws of the Corporation, shall be paid at the cemetery.

RULES AND ORDERS OF THE BOARD OF TRUSTEES.

Stated meetings of the Trustees shall be held at the office in Boston, on the second Wednesday of each month, at half past three, o'clock, P.M., unless otherwise ordered.

Motions shall be made in writing when requested by the President or a majority of those present.

Reports of committees shall be made in writing at the request of any member.

The order of business shall be as follows : —

Reading the records.

Election of officers.

Reports of committees.

Approval of bills and accounts.

Unfinished business.

Motions, orders, and resolutions.

Petitions or other papers from the Secretary.

Alterations or amendments of these Rules and Regulations may be made by a majority of those present at any meeting of the Trustees.

RESERVED SPACES.

At a meeting of the Board of Trustees, held Nov. 4, 1861, the following votes were adopted, and are referred to in the conveyance of lots, on page 34: —

Voted, That the following-described spaces within the Cemetery of Mount Auburn be forever kept open, and that no interments be ever made, nor buildings nor monuments of any description be erected thereon.

1st, The space near the front gate or entrance, bounded as follows: — beginning at a point in the front fence thirty feet west of the western stone obelisk, thence running at right angles with said fence in a southerly direction to the southerly side of Pine Avenue, being about fifty-five feet; thence easterly in a line parallel to said fence until it intersects a line drawn from a point in said fence thirty feet east of the eastern stone obelisk, and at right angles therewith; thence northerly by the said line so drawn at right angles with said fence to the said point in said fence thirty feet east of the eastern stone obelisk, and thence in a straight line to the place of beginning.

2d, A space or passage-way twenty feet wide on the east, north, and west sides of the chapel; the said twenty feet to be measured from the outer face of the stone buttresses.

3d, All that space in front of the chapel, bounded by Chapel, Pine, and Cypress Avenues and Peony Path, as now laid out.

4th, The whole space adjacent to and surrounding the Tower, now enclosed by the circular or oval part of Mountain Avenue.

5th, All the space included within the stone curb of Auburn Lake, together with the avenues or paths surrounding

and next adjacent to the said curb ; also all land between said avenues or paths and said curb, not exceeding thirty feet in width.

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- When and how chosen, 23.
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- Erections on lots by, restrictions concerning, 28.
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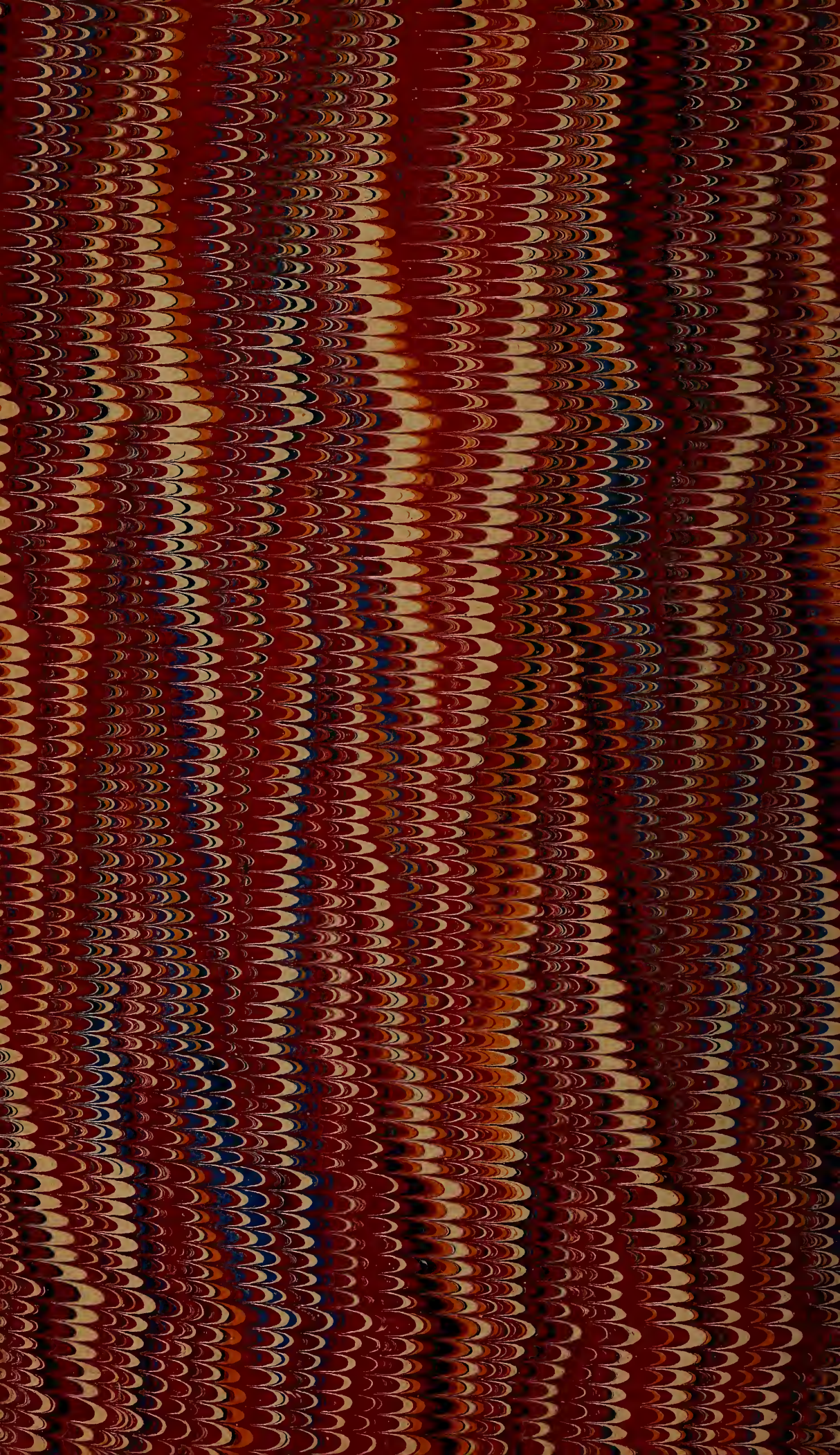
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ACTS OF INCORPORATION
AND
BY-LAWS
OF THE
PROPRIETORS
OF THE
CEMETERY OF MOUNT AUBURN.

OFFICE,
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